

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **Jason James Petersen v Ingham Circuit Judge**

Docket No. **286557**

L.C. No. **00-000000**

Donald S. Owens, Judge, acting under MCR 7.211(E)(2), orders:

Plaintiff's response to this Court's July 24, 2008 order requiring him to pay an initial partial filing fee is treated as a motion for reconsideration and it is GRANTED. Due to plaintiff's lack of assets and means to pay the initial partial filing fee the requirement that he do so is WAIVED. Thus, as set forth in this order plaintiff shall not be required to pay an initial filing fee to commence this original action. However, if plaintiff elects to proceed with this action as set forth in this order, he shall ultimately be responsible for the \$375 filing fee as detailed below.

The motion to waive fees pursuant to MCR 7.202(4) and Orig Action 7.206(D)(1)(d) continues to be DENIED because MCL 600.2963 mandates that a prisoner pursuing a civil action be liable for the filing fees. Plaintiff is not required to pay an initial partial fee. However, for an appeal to be filed, **plaintiff shall submit a copy of this order and refile the pleadings within 21 days of the certification of this order.** By doing this, plaintiff becomes responsible for paying the \$375 filing fee and may not file another appeal or original action in this Court until such time that either the Department of Corrections remits or plaintiff pays the entire outstanding balance due. 1999 PA 147, MCL 600.2963(8). Failure to comply with this order shall result in the appeal not being filed in this Court and appellant not being responsible for paying the filing fee.

If plaintiff timely refiles the pleadings, monthly payments shall be made to the Department of Corrections in an amount of 50 percent of the deposits made to plaintiff's account until the payments equal the balance due of **\$375**. This amount shall then be remitted to this Court. Again, plaintiff may not file either an original action or an appeal until plaintiff pays the entire outstanding balance due. 1999 PA 147, MCL 600.2963(8).

The Clerk of this Court shall furnish two copies of this order to plaintiff and return plaintiff's pleadings with this order.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 21 2008

Date

*Sandra Schultz Mengel*  
Chief Clerk